

UNITED STATES DISTRICT COURT FOR THE
DISTRICT OF NEW HAMPSHIRE

EnergyNorth Natural Gas, Inc.

v.

Civil No. 99-cv-49-JD

Century Indemnity Company, et al.

O R D E R

Following entry of judgment in favor of EnergyNorth Natural Gas, Inc., both EnergyNorth and Century move to amend the judgment to include an award of attorneys' fees and costs in an amount agreed to by the parties, \$1,013,892.06. They disagree, however, as to the form of the amended judgment. Century proposes that the amended judgment recite all of the antecedent orders, including the agreed amount of attorneys' fees and costs, and state that judgment is entered in favor of EnergyNorth and against Century and Certain Underwriters at Lloyd's, London, and Certain London Market Insurance Companies. EnergyNorth proposes that the amended judgment include the same background information but not state that judgment is entered against Century and Lloyd's.

The source of their disagreement, apparently, is that since judgment was entered on November 16, 2005, EnergyNorth and Lloyd's reached a settlement. Although the stipulation of dismissal has yet to be filed, Lloyd's is no longer participating in this litigation.

Fees and costs in the amount of \$1,013,892.06, as agreed to by EnergyNorth and Century, are approved. The level of detail suggested in both of the proposed amended judgments is unnecessary because a detailed judgment on liability has already been entered against both Century and Lloyd's. Therefore, the judgment will be amended to include the agreed and approved amount of fees and costs, \$1,013,892.06.

Conclusion

For the foregoing reasons, the plaintiff's motion to amend judgment (document no. 447) and the defendant's motion to amend judgment (document no. 448) are both granted as to their request that the judgment be amended to include the agreed-to and approved amount of attorneys' fees and costs, \$1,013,892.06, and are otherwise denied. The clerk of court shall file an amended judgment in accordance with this order.

SO ORDERED.


Joseph A. DiClerico, Jr.
United States District Judge

October 16, 2006

cc: John L. Altieri, Esquire
Edmund J. Boutin, Esquire
Kathyanne S. Cohen, Esquire
Bruce W. Felmly, Esquire
William P. Lalor, Esquire
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